

REMARKS

Claim Changes

Claim 1 is amended to recite “wherein the particular channel is selected by the device based on availability of content of the particular channel at the current time.” These changes are based on description on page 30, lines 11-13 of the specification as filed. Thus, no new matter is added.

Claim 6 is amended to recite “wherein the particular channel is selected by the device based on the current location of the device.” These changes are based on description on page 31, lines 17-19 of the specification as filed. Thus, no new matter is added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by US 6,912,398 (Domnitz).

Applicant respectfully traverses in part and amends in part. Applicant has amended the claims 1 and 6 to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Domnitz.

Applicant respectfully submits that Domnitz does not anticipate, either expressly or inherently, each and every element as set forth in independent claims 1, 6, 10, 15, 19 and 20. For example, independent claim 1, as amended, recite “the particular channel is selected by the device” which is not anticipated either expressly or inherently, in Domnitz.

Domnitz is directed to a method for delivering information from an advertising system to a device associated with an individual based on location and/or time. The delivered information matches preference information stored in the advertising system. The device includes a conventional PC, a portable computer, a PDA, an intelligent wireless telephone or other suitable device. Domnitz on col. 7, lines 24-28 discloses that the device associated with the individual receives the information and then the individual accesses or views a particular type of received information by clicking at appropriate hyperlink. Domnitz further discloses that the advertising system synchronizes with online radio and television broadcasts and if a channel is being watched when an advertisement is due to run, a URL or web page is then loaded to an account of the individual. See col. 10, lines 46-49 of Domnitz.

Domnitz on col. 7, lines 24-28 discloses that the individual receives all the relevant information and then the individual accesses or views a particular type of received information by clicking at the appropriate hyperlink. However, the selection of the particular information is being done by the individual and not by the PC associated with the individual. In contrast, Applicant's claim 1, as amended recites "the particular channel is selected by the device based on availability of content of the particular channel at the current time."

Additionally, Applicant respectfully disagrees with the statement regarding claim 1 on item 3, page 3, of the Office Action dated January 29, 2008 that Domnitz describes "selecting a particular channel...based on the current time of the device (See col. 4, lines 47-54)." Domnitz discloses that the device associated with the individual receives all the relevant information and then the individual accesses or views a particular type of received information by clicking at the appropriate hyperlink. See col. 7, lines 24-28 of Domnitz. However, the selection of a particular type of information is based on individual's choice and not based on the current time of the device. In contrast, Applicant's claim recites "selecting a particular channel...based on the current time of the device."

Further, Applicant also respectfully disagrees with the next statement of the Office Action that Domnitz describes "displaying a unit of content...if an update time of the particular channel corresponds to the current time of the device." Domnitz discloses that if a channel is

being watched when an advertisement is due to run, a URL or web page is then loaded to the individual's account. See col. 10, lines 46-49 of Domnitz. However, Domnitz discloses that the URL or web page of the advertisement is loaded in the individual's account which is later accessed by the individual irrespective of the current time of the device or the advertisement retrieval time. In contrast, Applicant's claim recites "displaying a unit of content...if an update time of the particular channel corresponds to the current time of the device."

Additionally, Domnitz discloses that the information is delivered to a conventional PC, a portable computer, a PDA, an intelligent wireless telephone or other suitable device and is displayed using conventional ways. See col. 3, lines 42-45 of Domnitz. However, Domnitz makes no mention of displaying the information on the device via a dynamic container. In contrast, Applicant's claim recites "displaying...via the dynamic container." The Applicant, for example, discloses that the container operates as framework element and has area on the display and various units of content of the channel are displayed based on the container information. Support found in col. 12, lines 15-16 and col. 13, lines 4-6 of the Application as filed. Therefore, Applicant respectfully requests the reconsideration of independent claim 1 and requests withdrawal of the rejection.

Regarding independent claims 6, 10 and 15, Applicant respectfully submits that the above discussed arguments apply equally to the limitations of claims 6, 10 and 15. Applicant therefore respectfully requests withdrawal of the rejection of claims 6, 10 and 15 under 35 U.S.C 102(e).

Regarding independent claim 19, Applicant respectfully disagrees with the statement on item 3, page 5, of the Office Action that Domnitz describes "a processor configured to determine an update time of a particular channel...associated with the remote device." Domnitz discloses that advertisements can be correlated to a specific location in between two or more specific dates. Domnitz further discloses that when an individual is at a particular location at a particular time, the system can determine the advertisements which are seen by the individual. See col. 8, lines 40-44 of Domnitz. However, Domnitz describes that when the individual is at a particular location at a specific time, information is sent to the individual but makes no mention of a processor which can determine the time at which particular type of information is updated at the

remote device. In contrast, Applicant's claim 19 recites "a processor configured to determine an update time of a particular channel...associated with the remote device." The Applicant, for example, discloses that the processor may determine the update time based on the usage activity of the device during the predetermined time period. Support found in col. 34, lines 14-17 of the Application as filed.

Additionally, Domnitz discloses that when the individual is at a particular location at a particular time, the system can determine which advertisements are seen by the advertisement. See col. 8, lines 40-44 of Domnitz. However, Domnitz describes that the information is sent to the individual at a specific time at a particular location but makes no mention of providing the information to the individual before the specific time. In contrast, Applicant's claim 19 recites "provide a unit of content...to the remote device before the update time." Therefore, Domnitz does not disclose "a processor configured to determine an update time of a particular channel...associated with the remote device," and "provide a unit of content...to the remote device before the update time" as recited in independent claim 19.

Regarding independent claim 20, Applicant respectfully disagrees with the statement regarding claim 20 on item 3, page 5, of the Office Action that Domnitz describes "a processor configured to determine an associated location of a particular channel...associated with a dynamic container of the remote device... (See col. 10, lines 15-20)." Domnitz discloses that the Advertising system transmits all the relevant information that is related to the location of the individual and that matches the preference information stored in the Advertising system. See col. 6, lines 59-67 and col. 7, lines 1-3 of Domnitz. However, the relevant information is selected/determined based on the preference information stored in the Advertising system and not based on whether the relevant information is associated with a dynamic container of the device (equated to Applicant's remote device) associated with the individual. In contrast, Applicant's claim recites "a processor configured to determine an associated location of a particular channel...associated with a dynamic container of the remote device."

In view of the foregoing, Applicant respectfully submits that Domnitz does not disclose the above mentioned limitations of independent claims 19 and 20. Applicant therefore submits

that claims 19 and 20 are not anticipated by Domnitz, and therefore the rejection of claims 19 and 20 under 35 USC 102(e) should be withdrawn.

Regarding dependent claim 18, Domnitz discloses that the device associated with the individual receives information from the Advertising system that is related to the time and/or location of the individual. See col. 6, lines 63-67 and col. 7, lines 1-3 of Domnitz. However in Domnitz, the information is first received at the individual's device and then the individual selects the particular type of information. Thus, Domnitz does not describe that the information is received at the device after a particular type of information is selected. In contrast, Applicant's claim recites "transceiver...configured to obtain the unit of content...after the particular channel is selected by the processor." Furthermore, claim 18 depends from, and includes all the limitations of independent claim 15. Therefore, Applicant respectfully requests the reconsideration of dependent claim 18 and requests withdrawal of the rejection.

Dependent claims 2-5, 7-9, 11-14 and 16-17 depend on claims 1, 6, 10 and 15 and thus the dependent claims 2-5, 7-9, 11-14 and 16-17 are also not anticipated by Domnitz. Reconsideration and withdrawal of the rejection of claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Domnitz is respectfully requested.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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